

REMARKS

Please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the present application.

I. Disposition of the Claims

By way of this Request, claims 1-30 have been canceled without prejudice or disclaimer, and new claims 31-49 have been added. No new matter has been added by way of these amendments.

II. Previous Rejection(s) under 35 U.S.C. § 103

In the final Office Action of December 21, 2005, claims 1-30 were rejected under 35 U.S.C. § 103(a) as being obvious based on various combinations of seven references – Paulsen, Tendler, Paravia, Walker, Clapper, Kotzin, and Thiriet. However, as these claims have now been canceled, these previous rejections are now moot. To the extent that any of the references, or combinations thereof, are believed to apply to new claims 31-49, such rejections are respectfully traversed as discussed below.

Independent claims 31, 42, and 45 require that a remote gaming device be enabled for game play when a physical location of the remote gaming device is within an authorized gaming area, where the *authorized gaming area is defined by location data stored in the remote gaming device*. Each of the cited references fails to at least disclose this limitation of the claimed invention, and as such, cannot support a *prima facie* case of obviousness. See MPEP § 2143.

Paulsen discloses a personal gaming device that is portable throughout a gaming

establishment (e.g., a hotel, a casino). *See* Paulsen, col. 10, ll. 24 – 45. Referring to Figure 3, the personal gaming device 20 wirelessly communicates with other components of a gaming system 60 (e.g., a financial server 68, a game server 70). *See* Paulsen, col. 5, ll. 10 – 20. However, although Paulsen discloses a gaming device that can be used remotely from fixed gaming locations, Paulsen is silent as to a gaming device that *stores location data defining an authorized gaming area* as required by the claimed invention.

Tendler discloses a wireless phone having a GPS receiver, where the phone reports a location of the phone at the time of placing a phone wager so that a sports bet can verify that the wager is being placed within the geographic limits of the wagering authority. *See* Tendler, Abstract. As such, Tender's wireless phone transmits location information for location verification; it does not *store location data defining an authorized gaming area* as required by the claimed invention.

Paravia discloses a system for providing an automated gaming service to players in a computer-based environment. *See* Paravia, Abstract. In order to verify locations of the players, two levels of location verification are used:

The ISP firstly ensures that a user is dialing up from a verifiable location where wagering is allowed. Secondly, the location verification module also ensures that the source of the wager request is from a location where wagering is allowed. The two systems work in concert to verify the location.

See Paravia, col. 3, ll. 39 – 47. Thus, in Paravia, locations of remote players are externally verified based on information (e.g., IP address) pertaining to the players' gaming systems. There is no disclosure in Paravia of the players' gaming systems *storing location data defining an authorized gaming area* as required by the claimed invention.

Walker discloses a remote gaming system in which a player can gamble from a remote

location without having an on-line connection with a host computer associated with the wagering establishment. *See Walker, Abstract.* Walker is completely silent as to location verification, and as such, fails to disclose *storing location data defining an authorized gaming area* as required by the claimed invention.

Clapper discloses a wireless retail customer intranet in which customers can use personal digital assistants (PDAs) to communicate with a server operated by the retail facility. *See Clapper, Abstract.* Such a technique purportedly increases the interactivity between store operators and retail customers. *See Clapper, Abstract.* Although information sent from the retail facility's server to a particular customer's PDA may be based on the customer's current location (*see Clapper, paragraph [0039]*), Clapper fails to disclose *storing location data defining an authorized gaming area* as required by the claimed invention.

Kotzin, which discloses a wireless system for communicating data to a handheld wireless device (*see Kotzin, Abstract*), is completely silent as to a location-verified gaming or player device. Accordingly, Kotzin fails to disclose *storing location data defining an authorized gaming area* as required by the claimed invention.

Thiriet discloses a cell phone for playing electronic games. *See Thiriet, Abstract.* However, Thiriet is not at all concerned with the legal restrictions attendant with wagering, and as such, is silent as to any mechanism for verifying a location of its cell phone. Accordingly, Thiriet fails to disclose *storing location data defining an authorized gaming area* as required by the claimed invention.

In view of the above, it is clear that Paulsen, Tendler, Paravia, Walker, Clapper, Kotzin, and Thiriet, whether taken singly or in any combination, fail to at least disclose a remote gaming device having stored within it location data defining an authorized gaming area as required by

independent claims 31, 42, and 45. Thus, the claimed invention is patentable over Paulsen, Tendler, Paravia, Walker, Clapper, Kotzin, and Thiriet. Accordingly, the present application is believed to be in condition for allowance, and action in the form of a Notice of Allowance is respectfully requested.

III. Conclusion

The Examiner is encouraged to contact the undersigned attorney if it would beneficial to further advance the prosecution of the application.

Please apply any charges not covered, or any credits, to Deposit Account 19-2555 (Reference No. 24207-11488).

Date: 06/12/2006 By:

Respectfully Submitted,
Ryan S. Steelberg and Chad Steelberg



Wasif H. Qureshi, Attorney of Record
Registration No. 51,048
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7121
Fax: (650) 938-5200